

sented, and that in his judgment there was sufficient evidence in said cause to demand a trial of same."

Committee Room,  
Austin, Texas, Jan. 21, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 264, A bill to be entitled "An Act making certain emergency appropriations out of the General Revenue of the State for the several institutions and departments of the State Government, as named herein, for the balance of the fiscal year ending August 31, 1929, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

POLLARD, Chairman.

#### ELEVENTH DAY.

Senate Chamber,  
Austin, Texas,  
Tuesday, January 22, 1929.  
The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Barry Miller.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Moore.
Berkeley.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
McFarlane.	Witt.
Miller.	Woodward.

Absent—Excused.

Martin.	Parr.
Neal.	Woodul.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Hyer.

#### Petitions and Memorials.

(See Appendix.)

#### Committee Reports.

(See Appendix.)

#### Bills and Resolutions.

By Senator Berkeley:

S. B. No. 268, A bill to be entitled "An Act to fix the salary of the superintendent of public instruction in such county in Texas having a population of not less than 100,000 nor more than 150,000 according to the last Federal census; providing for office expenses in such counties; repealing all laws and parts of laws in conflict, and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Hornsby:

S. B. No. 269, A bill to be entitled "An Act creating a State Bureau of Criminal Identification and Investigation; providing for its organization, and defining its powers and duties."

Read first time and referred to Committee on State Affairs.

By Senator Small:

S. B. No. 270, A bill to be entitled "An Act to amend Chapter 28 of the local and special laws enacted by the Thirty-third Legislature at its Regular Session in 1913, same being a special road law for Childress County, by adding thereto Section 2a, authorizing the commissioners' court of Childress County to issue bonds of said county for the purpose of funding or refunding indebtedness incurred for road and bridge purposes and to levy a tax in payment thereof, and providing that if the validity of the indebtedness to be funded by such bonds is not questioned in any suit or proceeding within sixty days from the adoption of the order of the commissioners' court authorizing the issuance of such bonds, then much indebtedness shall be conclusively presumed to be valid; and declaring an emergency."

Read first time and referred to Committee on State Highways and Motor Traffic.

By Senator Small:

S. B. No. 271, A bill to be entitled "An Act to give any person, association or corporation in the actual

possession of any unsold school or asylum lands in this State, or any part thereof, or within whose enclosures any such lands may be situated, or upon which he or they shall have constructed or made any valuable improvements, claiming the fee ownership thereof in good faith under a grant or sale from the State, or in good faith claiming the same to be a part of the surveyed lands of any such funds owned in fee by him or them, or as being excess lands in any surveyed lands of the State owned in fee by him or them, or otherwise, a preference or prior right to purchase the same under any laws in force at the time of such purchase; making it the duty of the Commissioner of the General Land Office when it shall be finally determined by judgment or otherwise that there are any such unsold school or asylum lands claimed as aforesaid, to give written notice to such person, firm or corporation so entitled to such preference or prior right, as aforesaid, of the existence of the foregoing lands and of his or their preference right to purchase the same and the price and terms upon which said land shall be offered for sale, as provided by law, giving such person, firm or corporation so having such preference right a period of ninety days after receipt of such notice within which to exercise his or their preference right to purchase the same and to comply with the terms and conditions prescribed by the Commissioner of the General Land Office, as aforesaid, and upon failure to so exercise such right within said time, such preference right shall cease, and thereupon the Commissioner may sell the same to any other person desiring to purchase at the price and upon the terms prescribed by said Commissioner or as otherwise fixed by law, repealing all laws in conflict therewith, and declaring an emergency."

Read first time and referred to Committee on Public Lands and Land Office.

By Senator Thomason:

S. B. No. 272, A bill to be entitled "An Act to amend Article 2789, Chapter 13, Title 49, of the Revised Civil Statutes of the State of Texas, 1925, authorizing the issuance of refunding bonds by towns and villages incorporated for free school pur-

poses only, independent, common and rural high school districts; providing for the exchange of bonds of such districts for the refunding bonds herein authorized; providing that the limitation of indebtedness of such districts contained in Article 2671 shall not apply to such refunding bonds; and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Witt:

S. B. No. 273, A bill to be entitled "An Act amending Article 2247 of the Revised Civil Statutes of 1925, so as to provide better rules in reference to the findings of fact and conclusions of law in the district or county court; and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Witt:

S. B. No. 274, A bill to be entitled "An Act providing for applications for Writs of Error to be referred to a section of the Commission of Appeals, to be reported in writing to the Supreme Court; and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Love:

S. B. No. 275, A bill to be entitled "An Act to amend Section 1 of Chapter 50 of the General Laws of the State of Texas, passed by the Regular Session of the Thirty-ninth Legislature, approved March 9, 1925, validating the charters and amendments to charters of all cities of more than five thousand inhabitants in this State, which have adopted charters or attempted to adopt or amend charters, since the enactment of Chapter 147, General Laws of the Regular Session of the Thirty-third Legislature of the State of Texas, 1913, and validating all proceedings had by city councils or city commissions or other governing authority, of said cities, in regard to the question of the adoption of charters or amendments thereto, and particularly ratifying and confirming all bonds issued thereunder, and declaring an emergency."

Read first time and referred to Committee on Towns and City Corporations.

By Senator Love:

S. B. No. 276, A bill to be entitled, "An Act to amend Subdivision 19 of Article 1995 of the Revised Civil Statutes by adding thereto cities, school districts and other political subdivisions of the State; and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Love:

S. B. No. 277, A bill to be entitled, "An Act amending Article 2978 of the Revised Statutes of 1925, so as to eliminate the requirement that the name of no Candidate shall appear more than once upon the official ballot, and declaring an emergency."

Read first time and referred to Committee on Privileges and Elections.

By Senator Love:

S. B. No. 278, A bill to be entitled "An Act providing for the creation of a county police force in all counties having 210,000 population or more according to the last United States census; whose duty it shall be to patrol that part of the county lying outside of the corporate limits of the county seat; to better provide for the enforcement of the law in said counties by providing for additional enforcement officers; prescribing the manner of appointment of the members of such county police force, their duties and compensations, and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Miller:

S. B. No. 279, A bill to be entitled "An Act to amend Chapter 59 of the Local and Special Laws enacted by the Thirty-fourth Legislature at its regular session, in 1915, as amended by Chapter 51, Special Laws enacted by the Thirty-ninth Legislature at its First Called Session, in 1926, same being a special road law for Wise County, by adding thereto Section, 12b, authorizing the commissioners' court of Wise County to issue bonds of said county for the purpose of funding or refunding indebtedness incurred for road and bridge purposes and to levy a tax in payment thereof, and declaring an emergency."

Read first time and referred to Committee on State Highways and Motor Traffic.

By Senators McFarlane, Small, Moore, Wirtz, Miller.

S. B. No. 280, A bill to be entitled "An Act providing that it shall be unlawful for any official or employee of the State of Texas to use automobile, personal property of any kind or character, or thing of value to advocate or further, or promote the candidacy of anyone for election or reelection, or nomination, or renomination at any special or general or primary election; providing it shall be unlawful for any official or employee of the State of Texas to collect or attempt to collect any money or anything of value from any public officer or employee, which money or thing of value is to be used in promoting, advocating, or furthering in any way, directly or indirectly, the campaign expenses of any person for election or reelection, or nomination or renomination, at any special or general or primary election; providing, and making it unlawful for any money appropriated by the Legislature of Texas, or any property purchased by any appropriation made by the Legislature of Texas to be used in advocating or opposing by any state official or any employee thereof, the election or re-election, nomination or renomination of any person at any special or general or primary election providing punishment for violation of this Act; and declaring an emergency."

Read first time and referred to Committee on Privileges and Elections.

By Senator Pollard.

S. B. No. 281, A bill to be entitled "An Act to provide for the collection of delinquent taxes in independent school districts where the local ad valorem tax is assessed and collected locally by or under the direction of the trustees of such district, and to repeal all laws and parts of laws in conflict herewith."

Read first time and referred to Committee on State Affairs.

By Senator Hornsby.

S. B. No. 282, A bill to be entitled "An Act providing for penalties and attorneys fees where the defendant institutes suit to set aside a final order, ruling or decision of the industrial accident board and such suit to set aside is discontinued or un-

successful; and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Hornsby.

S. B. No. 283, A bill to be entitled "An Act prescribing the maximum salary or compensation that may be paid to the President of the Texas Employers' Insurance Association, and also fixing the maximum pay of the Chairman of the Board of Directors of said Association; and declaring an emergency."

Read first time and referred to Committee on Labor.

By Senator McFarlane.

S. B. No. 284, A bill to be entitled "An Act providing for the establishment of a refrigeration plant in the penitentiary system, providing that the site for such plant shall be selected by the Texas Prison Board, authorizing and directing the Board of Control of this State to advertise for bids for the construction and equipment of such refrigeration plant, directing the manner in which the advertisement for such bids shall be made, providing for the acceptance of the lowest, best bid, providing for a bond to be given by the contractor, making an appropriation to pay for the construction and equipment of such plant, and declaring an emergency."

Read first time and referred to Committee on Penitentiaries.

By Senator Holbrook.

S. B. No. 285, A bill to be entitled "An Act amending Article 4584 of the Revised Civil Statutes of 1925, so as to repeal that portion of the law which prevents unclaimed dead bodies at certain eleemosnary institutions of this State from being turned over to the Anatomical Board of the State of Texas to be used in the advancement of medical science; the purpose of this Act being to permit unclaimed dead bodies at certain state eleemosnary institutions to be used for such purposes as provided in Chapter 13 of Title 71 of the Revised Civil Statutes of 1925; and declaring an emergency."

Read first time and referred to Committee on Public Health.

#### Senators Excused.

On motion of Senator Beck, Senator Neal was excused for yesterday

afternoon, today, and indefinitely on account of illness.

On motion of Senator Hornsby, Senator Parr was excused for the week on account of important business.

#### Senate Bill No. 71.

The Chair laid before the Senate as special order, the following bill:

S. B. No. 71, A bill to be entitled "An Act to amend Article 2883, and Article 2889-A Revised Statutes of 1925, relating to certificates of teachers in the public free schools, and salaries of teachers holding such certificates; repealing all laws in conflict therewith, and declaring an emergency."

The bill was made special order for tomorrow morning.

#### Senate Bill No. 13.

The Chair laid before the Senate on its third reading, the following bill:

S. B. No. 13, A bill to be entitled "An Act to amend Section 1, of Article 326g, Chapter 74, Title 15, Revised Civil Statutes of 1927, providing for increase of salaries of one assistant district attorney and one stenographer in certain counties, and repealing all laws and parts of laws in conflict therewith; and declaring an emergency."

The bill was read third time and finally passed by the following vote:

Yeas—26.

Beck.	Moore.
Berkeley.	Parrish.
Cunningham.	Patton.
DeBerry.	<b>Pollard.</b>
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
McFarlane.	Witt.
Miller.	Woodward.

Absent—Excused.

Martin.	Parr.
Neal.	Woodul.

#### Senate Bill No. 115.

The Chair laid before the Senate on its third reading the following bill:

S. B. No. 115, A bill to be entitled "An Act to exempt from taxation all obligations and pledges of the University of Texas."

The bill was read third time and finally passed.

#### Senate Bill No. 139.

The Chair laid before the Senate on its third reading the following bill:

S. B. No. 139, A bill to be entitled "An Act to provide an old age relief system for resident citizens over the age of seventy years: Providing for the administration of the system through the county commissioners' courts of the various counties in the State and permitting the payment of the old age relief and the expense of the administration from the general revenue of the county of which the applicant is a resident; prescribing the qualifications of an applicant for relief under the Act and permitting the discontinuance of the relief on conviction of an offense or upon evidence of changed status of the beneficiary; and fixing the punishment of any applicant or other person violating any of the provisions of the Act, defining certain terms used in the Act and identifying the measure as the Old Age Relief Act of the State of Texas."

The bill was read third time and finally passed.

#### Simple Resolution No. 41.

Senator Greer sent up the following resolution:

Whereas the limit of 2,000 Journals authorized by the caucus resolution proved insufficient and

Whereas the Contingent Expense Committee informally authorized the Sergeant at Arms to increase the amount to 2,400, and

Whereas the mailing clerk finds 2,400 insufficient to supply the amount needed for the mailing list and recommends the printing of 3,000 copies daily if all requirements are to be met;

Now, Therefore Be It Resolved by the Senate of the Forty-first Legislature that the printing of 3,000 copies of the Senate Journal shall be authorized from this time to the end of the present session.

The resolution was read and adopted.

#### Senate Bill No. 74.

The Chair laid before the Senate on its second reading the following bill:

S. B. No. 74, A bill to be entitled "An Act to amend Article 4604 of the Revised Civil Statutes of the State of Texas adopted at the Regular Session of the Thirty-eighth Legislature, 1925, so as to provide that persons who desire to marry shall procure a license from the county clerk directed to all persons authorized by law to celebrate the rites of matrimony; providing that the county clerk at the time the license is applied for shall examine the applicant or applicants for the license, under oath, as to age and residence, which shall be reduced to writing by the county clerk and subscribed to by the applicant or applicants; and providing in case either party is absent when application is made an affidavit shall be made by person other than the contracting party as to age and residence of the absent party; providing for the filing of said affidavit in the county clerk's office; providing that application for license shall be made before the license shall be issued; providing for the recording of applications for license by the county clerk in a book kept for that purpose and marked "Notice of Intention to Marry"; and providing that after the expiration of ten and not more than thirty days after the signing of the notice of intention to marry, the county clerk may issue said license; and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Hyer the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 74 was put on its third reading and final passage, by the following vote:

Yeas—26.

Beck.	McFarlane.
Berkeley.	Miller.
Cunningham.	Moore.
DeBerry.	Parrish.
Gainer.	Patton.
Greer.	Pollard.
Hardin.	Russek.
Holbrook.	Small.
Hornsby.	Stevenson.
Hyer.	Thomason.
Love.	Westbrook.

Williamson. Witt.  
Wirtz. Woodward.

Absent—Excused.

Martin. Parr.  
Neal. Woodul.

The bill was read third time and finally passed by the following vote:

Yeas—25.

Beck.	Moore.
Berkeley.	Patton.
Cunningham.	Pollard.
DeBerry.	Russek.
Gainer.	Small.
Greer.	Stevenson.
Hardin.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Wirtz.
Love.	Witt.
McFarlane.	Woodward.
Miller.	

Nays—1.

Parrish.  
Absent—Excused.

Martin. Parr.  
Neal. Woodul.

#### Senate Bill No. 95.

The Chair laid before the Senate on its second reading the following bill:

S. B. No. 95, A bill to be entitled "An Act to provide for refunding certain bonds of the State of Texas now owned by the Permanent School Fund; providing for the execution of new bonds in lieu thereof; providing method of exchange of said bonds; making appropriation to pay accrued interest and to pay expense of lithographing bonds; and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator McFarlane the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 95 was put on its third reading and final passage, by the following vote:

Yeas—26.

Beck.	Hardin.
Berkeley.	Holbrook.
Cunningham.	Hornsby.
DeBerry.	Hyer.
Gainer.	Love.
Greer.	McFarlane.

Miller.	Stevenson.
Moore.	Thomason.
Parrish.	Westbrook.
Patton.	Williamson.
Pollard.	Wirtz.
Russek.	Witt.
Small.	Woodward.

Absent—Excused.

Martin. Parr.  
Neal. Woodul.

The bill was read third time and finally passed by the following vote:

Yeas—26.

Beck.	Moore.
Berkeley.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
McFarlane.	Witt.
Miller.	Woodward.

Absent—Excused.

Martin. Parr.  
Neal. Woodul.

#### Senate Bill No. 107.

The Chair laid before the Senate on its second reading the following bill:

S. B. No. 107, A bill to be entitled "An Act to amend Article 1935 of Chapter 2, Title 41 of the Revised Civil Statutes of 1925, and declaring an emergency."

On motion of Senator Wirtz, the bill was laid on the table subject to call.

#### Senate Bill No. 108.

The Chair laid before the Senate on its second reading the following bill:

S. B. No. 108, A bill to be entitled "An Act to amend Article 1894 of Chapter 2, Title 40 of the Revised Civil Statutes of 1925, and declaring an emergency."

On motion of Senator Wirtz, the bill was laid on the table subject to call.

#### Senate Bill No. 110.

The Chair laid before the Senate on its second reading the following bill:

S. B. No. 110, A bill to be entitled "An Act to amend Article 1302 of the Revised Civil Statutes of the State of Texas of 1925 so as to provide that private corporations may be formed for any lawful purpose or purposes, except as specified in this Act, and providing that nothing in this Act shall be held to repeal or amend any general law of the State, other than Article 1302 pertaining to the creation of corporations and powers, duties and limitations thereof or to repeal any law that forbids the creation of any corporation and providing that no corporation created under Article 1302 as herein amended shall include as one of its purposes any purpose for which corporations may be created under the general laws of this State, other than Article 1302, and providing that no corporation created under Article 1302 as herein amended shall include as one of its purposes the practice of law or the practice of any of the healing arts and sciences and providing that all corporations created under this Act shall be required, after filing their charters with the Secretary of State, to record the same at length in the principal office of the corporation and shall have such charter recorded in full in the records of the county clerk of the county in which such corporation has its principal office before such corporation shall do any business in this State, and providing that all amendments to such charters shall be recorded in like manner, and declaring an emergency."

On motion of Senator Witt, S. B. No. 110 was made special order for Wednesday morning after the morning call.

#### Senate Bill No. 116.

The Chair laid before the Senate on its second reading the following bill:

S. B. No. 116, A bill to be entitled "An Act providing a means of serving civil process upon non-residents of this State in any civil action or proceeding against such non-residents growing out of any accident or collision in which said non-residents may be involved while operating a motor vehicle or motorcycle on any public highway or public street in this State; and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Woodward the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 116 was put on its third reading and final passage, by the following vote:

Yeas—26.

Beck.	Moore.
Berkeley.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
McFarlane.	Witt.
Miller.	Woodward.

Absent—Excused.

Martin.	Parr.
Neal.	Woodul.

The bill was read third time and passed finally by the following vote:

Yeas—26.

Beck.	Moore.
Berkeley.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
McFarlane.	Witt.
Miller.	Woodward.

Absent—Excused.

Martin.	Parr.
Neal.	Woodul.

#### Senate Bill No. 134.

The Chair laid before the Senate on its second reading the following bill:

S. B. No. 134, A bill to be entitled "An Act amending Article 1738 of Chapter 3, Title 37, of the Revised Civil Statutes of 1925 as amended, relating to the transfer of cases in Courts of Civil Appeals, so as to make provision for the clerk or his deputy to accompany the Justices of

the Court to the place from which cases have been transferred to discharge the duties of his office in connection with such transferred cases; providing for traveling and living expenses of such clerk in so accompanying such Justices; and declaring an emergency."

The bill was read second time and failed to pass to engrossment by the following vote:

Yeas—5.

Berkeley.	Westbrook.
Greer.	Witt.
Hyer.	

Nays—21.

Beck.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Russek.
Hardin.	Small.
Holbrook.	Stevenson.
Hornsby.	Thomason.
Love.	Williamson.
McFarlane.	Wirtz.
Miller.	Woodward.
Moore.	

Absent—Excused.

Martin.	Parr.
Neal.	Woodul.

#### Senate Bill No. 30.

Senator Woodward called up from the table the following bill:

S. B. No. 30, A bill to be entitled "An Act to repeal Article 28 of the Revised Civil Statutes of the State of Texas of 1925, relating to the publication in newspapers of legal notices and amending Article 3334 of the Revised Civil Statutes of the State of Texas of 1925 as amended by the Acts of the Fortieth Legislature of the State of Texas in Chapter 81 of the session laws thereof, so as to eliminate that portion of said Article reading as follows, to-wit: 'Provided if publication of such citation be made as provided by Article 28, Revised Civil Statutes of 1925, such publication shall be sufficient service of citation without posting said notices, and declaring an emergency.'"

The bill was read second time.

Senator McFarlane sent up the following amendment:

Amend S. B. No. 30 to read as follows:

Section 2. That it shall be op-

tional to print in part any legal notice that is now required to be printed and all laws or parts of laws in conflict herewith are specifically repealed.

Sec. 3. Change the numbers of all remaining sections to number accordingly.

On motion of Senator Woodward, the amendment was tabled.

The bill was passed to engrossment.

On motion of Senator Woodward, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 30 was put on its third reading and final passage, by the following vote:

Yeas—26.

Beck.	Moore.
Berkeley.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
McFarlane.	Witt.
Miller.	Woodward.

Absent—Excused.

Martin.	Parr.
Neal.	Woodul.

The bill was read third time and finally passed by the following vote:

Yeas—24.

Beck.	Parrish.
Berkeley.	Patton.
Cunningham.	Pollard.
DeBerry.	Russek.
Gainer.	Small.
Greer.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
McFarlane.	Witt.
Miller.	Woodward.

Nays—2.

Hardin.	Moore.
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Absent—Excused.

Martin.	Parr.
Neal.	Woodul.



**Message from the House.**

The Chair recognized the Door-keeper, who introduced a messenger from the House with the following message:

Hall of the House of Representatives,  
Austin, Texas, Jan. 22, 1929.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolutions:

S. C. R. No. 8, Requesting the Secretary of Agriculture of the United States to change Federal bag law on ducks.

S. C. R. No. 10 with amendment, Inviting the Prison Commission to address a joint session of the Senate and House Committee on Penitentiaries as well as the public at large Friday at 2 p. m., January 25, 1929.

S. B. No. 158, A bill to be entitled "An Act to amend House Bill 52, Chapter 42, of the General and Special Laws passed by the Fortieth Legislature at its Regular Session, which said House Bill 52, Chapter 42, created the Eighty-fourth Judicial District, the amendment extending the said House Bill 52, Chapter 42, in force; and providing that same shall be revised and be extended beyond the time of its expiration, so that it would not expire within the two years from the time that it took effect, as was provided in said Chapter 42; providing that the Eighty-fourth Judicial District shall continue in force to be composed of the counties of Carson, Hutchinson, Hansford, Ochiltree and Hemphill; also providing that the Thirty-first Judicial District shall hereafter comprise only the counties of Roberts, Wheeler, Gray and Lipscomb; prescribing the time for the holding of terms of court in said districts in the various counties comprising same; providing that the judges and district attorneys who are now, or have been elected and holding offices in said districts shall continue to hold the same for the full statutory and constitutional time, in said districts as changed; prescribing the jurisdiction of the district courts in the Thirty-first and Eighty-fourth Judicial Districts; providing for district attorneys in the two (2) said districts, assisting each other in the per-

formance of their duties; and providing that all cases pending in certain counties of the Eighty-fourth Judicial District Court not in the Thirty-first District shall upon the taking effect of this act be immediately transferred by the clerk of said court to the docket of the district court of the Thirty-first Judicial District; and providing that all cases pending in certain counties in the Thirty-first Judicial District Court, not in the Eighty-fourth District shall upon the taking effect of this act, be immediately transferred by the clerk of said court to the docket of the district court of the Eighty-fourth Judicial District, and shall thereafter be disposed of by the district court of the respective districts as though such cases had been originally filed therein; and providing that all process and writs issued out of, and all bonds and recognizances made and entered into, and all grand and petit juries drawn before this Act takes effect shall be valid for and returnable to the next succeeding term of the district court in and for the several counties as herein fixed, as though issued and served for such terms in the districts as changed, and all such process, writs, bonds and recognizances taken before, or issued in the various counties affected by this Act shall be as valid as though no change had been made in the two (2) districts or in the time of holding the court therein; enacting the proper provisions relative to the Thirty-first Judicial District in order to conform the same and the law relative thereto to the purposes and provisions of this Act, whether mentioned in detail in the caption or not; making proper provisions for the time of holding courts in various counties in the Thirty-first Judicial District and the Eighty-fourth Judicial District; enacting the necessary provisions incident to the main purposes and subject to the Act; whether mentioned in detail in the caption or not; providing for terms of court in the Eighty-fourth Judicial District, and providing that this Act shall continue in force until otherwise provided by law; and providing that if any district court of the Thirty-first or Eighty-fourth Judicial District be in session in any of the counties when this Act takes effect, the same

shall continue and end its term under such existing laws as if no change in time of holding court in said districts had been made; and providing that all process, writs, judgments, decrees and other proceedings in said courts, during such time, shall be valid and shall not be affected by the changes in the times of holding courts therein made; and providing that grand and petit juries may be selected under the direction of the trial judge by the sheriff in either of the said courts herein provided for any term thereof; whenever it appears to the trial judge that it was not practical for any reason to have had jury commissioners at the preceding term to select such juries or draw same; and providing that no term of court shall fail by reason of the expiration of this Act, but shall continue in effect if in session at a time when the House Bill 52, Chapter 42, expires; and also providing that if the Eighty-fourth District should expire by reason of the time limitation before this Act takes effect, that all cases, both civil and criminal, which had by operation of law been transferred from the Eighty-fourth District to the Thirty-first District, shall be upon the taking effect hereof, transferred back to the said Eighty-fourth District Court by operation of law; and further providing for an appropriation of money from the State Treasury for salaries and expenses of the district judge and district attorney of the Eighty-fourth Judicial District, and declaring an emergency."

Respectfully submitted,  
LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

#### S. C. R. No. 10.

The Chair laid before the Senate the following House Amendment to S. C. R. No. 10:

By King:

Amendment to Senate Concurrent Resolution No. 10:

By striking out Paragraph 2 of said resolution and inserting in lieu thereof the following:

"Therefore, Be It Resolved by the Senate of the State of Texas, the House of Representatives concurring, that the Prison Commission and other interested persons be invited to address said meeting to be held

in the Senate Chamber on Friday afternoon at 2 o'clock, January 25."

On motion of Senator McFarlane the Senate voted to concur in the amendment.

#### Senate Bill No. 29.

Senator Woodward called up from the table the following bill:

S. B. No. 29, A bill to be entitled "An Act to amend Article 4655 of the Revised Civil Statutes of the State of Texas of 1925 by adding thereto the following, to-wit: 'Provided, however, that when any writ of injunction is accompanied with a true and correct copy of plaintiff's petition, it shall not be necessary for the citation in the original suit to be accompanied with a copy of plaintiff's petition nor contain any statement of the nature of plaintiff's demand; but it shall be sufficient for said citation to refer to plaintiff's cause of action as set forth in a true and correct copy of plaintiff's petition which accompanies the writ of injunction, and declaring an emergency.'"

The bill was read second time and passed to engrossment.

On motion of Senator Woodward the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 29 was put on its third reading and final passage, by the following vote:

#### Yeas—26.

Beck.	Moore.
Berkeley.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
McFarlane.	Witt.
Miller.	Woodward.

#### Absent—Excused.

Martin.	Parr.
Neal.	Woodul.

The bill was read third time and passed finally by the following vote:

#### Yeas—26.

Beck.	Cunningham.
Berkeley.	DeBerry.

Gainer.	Patton.
Greer.	Pollard.
Hardin.	Russek.
Holbrook.	Small.
Hornsby.	Stevenson.
Hyer.	Thomason.
Love.	Westbrook.
McFarlane.	Williamson.
Miller.	Wirtz.
Moore.	Witt.
Parrish.	Woodward.

Absent—Excused.

Martin.	Parr.
Neal.	Woodul.

#### Simple Resolution No. 42.

Senator Thomason sent up the following resolution:

By Woodward, Russek, Wirtz, Witt, Williamson, Small, Parrish, Hardin, DeBerry, Cunningham, Gainer, Thomason, Berkeley, Holbrook, Moore, McFarlane, Patton, Hyer, Love, Greer, Miller, Westbrook, Stevenson, Beck.

Whereas, It is essentially necessary that the Senate Librarian keep abreast of the daily current events,

Therefore, Be It Resolved by the Senate of the Forty-first Senate of Texas that the Senate Librarian be allowed daily copies of the Houston Post, Star-Telegram, the Houston Chronicle, Dallas News, San Antonio Express and Austin American, to be delivered at her desk in the Library,

Further that she be allowed a pair of scissors with which to clip said current events same being kept in a book for immediate reference.

The resolution was read and adopted.

#### Adjournment.

On motion of Senator Woodward the Senate, at 12:00 o'clock noon, adjourned until 10:00 o'clock Wednesday morning.

#### APPENDIX.

##### Petitions and Memorials.

Congress of the United States  
House of Representatives  
Washington, D. C.,  
January 19, 1929.

Hon. Bob Barker, Secretary, State Senate,  
Austin, Texas.

Dear Mr. Barker:

I have just received the following telegram from you:

"The following was unanimously adopted: Be It Resolved by the Senate of Texas that it go on record favoring a fair and adequate tariff rate on all products of both farm and ranch and that we request the members of both Houses of Congress to give careful study to such schedule with special attention to the interest of the farmer and stock raiser."

Permit me to thank you for conveying to me this resolution of the Senate, and to assure you that when the tariff bill comes up for consideration, that I shall be pleased to give earnest consideration to the resolution.

With kindest personal regards,

Sincerely,

LUTHER A. JOHNSON.

Congress of the United States  
House of Representatives  
Washington, D. C.,  
January 19, 1929.

Hon. Bob Barker, Secretary of the Senate.

Austin, Texas.

Dear Mr. Barker:

Your night lettergram of the 18th instant is just at hand, and I have carefully noted contents of same. You may be sure that the matter referred to will have every consideration; and I am taking occasion to bring your telegram to the attention of the Chairman of the Ways and Means Committee of the House of Representatives.

With best wishes, I beg to remain,

Sincerely yours,

CLAY STONE BRIGGS.

House of Representatives  
Committee on Appropriations  
Seventieth Congress  
Washington, D. C.,  
January 17, 1929.

Mr. Bob Barker,  
Secretary of Senate,  
Austin, Texas.

My dear Mr. Barker:

I have your telegram of January 18th, reading:

"The following was unanimously adopted: Be It Resolved by the Senate of Texas that it go on record favoring a fair and adequate tariff rate on all products of both farm and ranch and that we request the members of both Houses of Congress to give careful study to such schedule

with special attention to the interest of the farmer and stock raiser."

I deeply appreciate the action taken by the Legislature of Texas, going on record as favoring a fair and adequate tariff rate. I assure you this matter will have my very careful consideration, and I thank you for sending me the telegram.

Sincerely yours,  
J. P. BUCHANAN.

Congress of the United States.  
House of Representatives  
Washington, D. C.,  
January 19, 1929.

Honorable Bob Barker,  
Secretary of the Senate,  
Austin, Texas.

My dear Bob:

Your wire received containing the resolution of the Senate regarding tariff views.

Please congratulate the Senate upon announcing the views that I have announced here on the Floor and which were the views of the greatest Democrat the world has ever known, namely: Andrew Jackson.

You can rest assured that the action of the Senate meets with my hearty approbation. Let us get back to old-time Democracy.

I shall have your telegram placed before the House next Monday.

With kind regard, I am,

Very sincerely yours,  
CLAUDE HUDSPETH.

United States Senate  
Committee on Interstate Commerce  
Washington, D. C.,  
January 19, 1929.

Hon. Bob Barker,  
Secretary of Senate,  
Austin, Texas.

Dear Sir:

I am in receipt of your message advising that the Senate of Texas had gone on record in the passage of a resolution favoring a fair and adequate tariff on all products of both farm and ranch. Permit me to say that I share the views of your honorable body.

With expressions of high esteem,  
I am

Sincerely yours,  
EARLE B. MAYFIELD.

#### Committee on Engrossed Bills.

Committee Room,  
Austin, Texas, Jan. 22, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. C. R. No. 4 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,  
Austin, Texas, Jan. 22, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 13 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,  
Austin, Texas, Jan. 22, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 90 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,  
Austin, Texas, Jan. 22, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 91 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,  
Austin, Texas, Jan. 22, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 115 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,  
Austin, Texas, Jan. 22, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 139 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,  
Austin, Texas, Jan. 22, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 206 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,  
Austin, Texas, Jan. 22, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 230 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

#### Committee Reports.

Committee Room,  
Austin, Texas, Jan. 22, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee, to whom was referred Senate Bill 161, by Westbrook, have had same under consideration, and I am instructed to report it back with the recommendation that it do pass.

WESTBROOK, Chairman.

Committee Room,  
Austin, Texas, Jan. 21, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Insurance to whom was referred

S. B. No. 89, A bill to be entitled, "An Act to better define Fraternal Benefit Societies and providing and defining a Lodge System for such; requiring a representative form of government; defining and safeguarding the contracts and beneficiaries of such Societies and prescribing the membership therein; amending Articles 4820, 4821, 4822, 4824, 4831 and 4833 of the Revised Statutes of Texas for 1925 so as to conform hereto, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

MOORE, Chairman.

Committee Room,  
Austin, Texas, Jan. 22, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Public

Lands and Land Office, to whom was referred

S. B. No. 232, A bill to be entitled, "An Act to amend Article 5302 of the Revised Civil Statutes of 1925, by adding thereto Article 5302a providing that wherever the line or lines of any survey of land heretofore made across a stream, or part thereof, and the lands or any part thereof covered by such survey lie within such streams or part thereof, and awards or patents to such surveys shall have been issued and outstanding for a period of five years from the date thereof and have not been cancelled or forfeited, the acts and decisions of the officers of this State in the issuance of such awards or patents, shall be final and conclusive evidence that such surveys have been made in accordance with Section 5302 of the Revised Civil Statutes of 1925 and all prior enactments thereof, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

SMALL, Chairman.

Committee Room,  
Austin, Texas, Jan. 22, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Public Lands and Land Office, to whom was referred

S. B. No. 257, A bill to be entitled, "An Act to authorize the commissioner of the General Land Office to accept and award all applications for the repurchase of public school land forfeited and reappraised under Chapter 94, an Act approved March 19, 1925, and as amended by Chapter 25, an Act approved October 27, 1926, for which applications or the first payment therefor were filed in the Land Office after the expiration of the time allowed by law for the filing thereof but for which applications and the first payment were so filed such acceptance and award to be subject to existing rights of any third party who may have filed oil and gas applications thereon."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

SMALL, Chairman.

Committee Room,  
Austin, Texas, Jan. 22, 1929.  
Hon. Barry Miller, President of the  
Senate.

Sir: We, your Committee on Public Lands and Land Office, to whom was referred

S. B. No. 150, A bill to be entitled "An Act to confirm and validate all patents and awards issued on lands lying across or partly across or abutting on water courses or navigable streams or the beds or abandoned beds thereof, or parts thereof, and to relinquish, quitclaim and grant to patentees and awardees and their assignees all of such lands, minerals therein contained, across or abutting on water courses or navigable streams and also the beds or abandoned beds thereof, and minerals therein contained, where such patents or awards have been issued and outstanding for a period of five years from the date thereof and have not been cancelled or forfeited, without impairing the rights of the general public, the State, riparian owners or appropriation owners in the waters of such streams, and providing that with respect to lands sold by the State of Texas expressly reserving title to minerals in the State, such reservation shall not be affected by this Act and that the patentees or awardees and their assignees shall have the same rights, title and interest in the minerals in the beds or abandoned beds of such water courses or navigable streams that they have in the uplands covered by the same patents, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

SMALL, Chairman.

Committee Room,  
Austin, Texas, Jan. 22, 1929.  
Hon. Barry Miller, President of the  
Senate.

Sir: We, your Committee on Public Lands and Land Office, to whom was referred

S. B. No. 104, A bill to be entitled, "An Act to amend Article 5341, Chapter 4, Title 86 of the Revised Civil Statutes of Texas, 1925, by providing that the Commissioner of the General Land Office after the filing of any application by anyone desiring to obtain the right to pro-

spect for and develop oil and natural gas that may be in any surveyed or unsurveyed areas as provided in Articles 5339 and 5340, Chapter 4, Title 86 of the Revised Civil Statutes of Texas, 1925, shall first make such examination as he shall deem necessary to determine whether or not the area applied for falls within the provisions of this law, and secondly, if he shall determine that such area is subject to the provisions of this law, he shall make the further necessary investigation to determine whether or not any person, association or corporation is in the actual possession of such area, or any part thereof, claiming same in good faith under a grant or sale from the State, etc., and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that the original bill do not pass, but that the accompanying committee substitute do pass in lieu thereof.

SMALL, Chairman.

By Small, C. S. S. B. No. 104.

#### A BILL

##### To Be Entitled

An Act to amend Article 5341, Chapter 4, Title 86 of the Revised Civil Statutes of Texas, 1925, by providing that the Commissioner of the General Land Office after the filing of any application by anyone desiring to obtain the right to prospect for and develop oil and natural gas that may be in any surveyed or unsurveyed areas as provided in Article 5339 and 5340, Chapter 4, Title 86 of the Revised Civil Statutes of Texas, 1925, shall first make such examination as he shall deem necessary to determine whether or not the area applied for falls within the provisions of this law, and secondly, if he shall determine that such area is subject to the provisions of this law, he shall make the further necessary investigation to determine whether or not any person, association or corporation is in the actual possession of such area, or any part thereof, claiming same in good faith under a grant or sale from the state, and if he shall determine that any such person, association or corporation is so in possession thereof, then such person, associa-

tion or corporation shall have prior right for ninety days after written notice by the Commissioner of the General Land Office of the application, within which to make application for permit, said application to be in accordance with the provisions of Article 5339 and 5340 of the Revised Civil Statutes of Texas, 1925; it being declared to be the intention of this Act that the fee owner of said land at the time such notice shall be given shall first have such preference or prior right to such permit, and upon his failure to exercise such right, those claiming under him shall next have such preference or prior right to such permit; and further providing that if such person, association or corporation so in possession as aforesaid, shall make such application and file with the application the filing fee of one dollar and ten cents per acre for each acre applied for, which ten cents per acre shall be paid annually thereafter during the life of the permit, that then the Commissioner shall issue permit to such person, association or corporation so in possession, and return to the original applicant his filing fee and the ten cents per acre deposited by him; and further providing in connection therewith that where the area applied for is covered by or included within any river bed or channel or fresh water lake that then the party in possession shall have a prior right as to such area only in such cases where he claims under a patent or purchase from the state, the field notes of which actually include the area sought to be purchased by him; and further providing that in the event any person, association or corporation having prior right under the foregoing provisions who shall fail to make such application and payments within ninety days after the receipt of the notice aforesaid, shall forfeit such prior right and the Commissioner of the General Land Office shall, in that event, grant a permit to the original applicant, repealing all laws and parts of laws in conflict therewith, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 5341, Chap-

ter 4, Title 86 of the Revised Civil Statutes of the State of Texas, 1925, be and the same is hereby amended so as to hereafter read as follows:

Article 5341. When the Commissioner receives an application that was filed with the county clerk or with the surveyor and the field notes and plat, one dollar filing fee and ten cents per acre for each acre applied for, which shall also be paid annually thereafter during the life of the permit, and an affidavit by the applicant showing what interest he has in any other permit, lease or patent issued under this law and in good standing, he shall file the same. The Commissioner shall thereupon make such examination and investigation as he shall deem necessary to determine whether or not the area applied for falls within the provisions of this law; and if he shall determine at that time or at any time thereafter that such area is subject to the provisions of this law, he shall make such further investigation as may be necessary to determine whether or not any person, association or corporation is in the actual possession of such area, or any part thereof, claiming the same in good faith under a grant or sale from the state; and if he shall determine that any such person, association or corporation is in such possession under such claim of right, then such person, association or corporation shall have a prior right for the full period of ninety days after receipt of written notice from the Commissioner of the aforesaid application within which to make application for permit thereon, said application to be in accordance with the provisions of Article 5339 and 5340, Chapter 4, Title 86 of the Revised Civil Statutes of 1925; it being expressly declared to be the intention of this Act that the fee owner of said land at the time such notice shall be given shall first have such preference or prior right to such permit, and upon his failure to exercise such right, those claiming under him shall next have such preference or prior right to such permit; and if such person, association or corporation so in possession within the ninety days period aforesaid, shall make such application and file with the application the filing fee of one dollar and ten cents per acre for each

acre applied for, which ten cents per acre shall be paid annually thereafter during the life of the permit, then and thereupon the Commissioner shall issue permit to the person, association or corporation so in possession, and return to the original applicant the filing fee and the ten cents per acre deposited by him, and such original applicant shall in that event have no further right or claim thereto.

In connection with the above it is further provided that when the area applied for is covered by or included within any river bed or channel or fresh-water lake that then the party in possession as aforesaid shall have a prior right as to such area only in such cases where he claims under a patent or purchase from the State, the field notes of which patent or purchase actually include the area sought to be purchased and acquired by him under the aforesaid permit.

In the event any person, association or corporation, having prior right under the foregoing provisions, shall fail to make such application together with the payments aforesaid, within ninety days after receipt of the notice aforesaid, such party shall forfeit such prior right, and the Commissioner shall grant the permit to the original applicant.

Sec. 2. All laws and parts of laws in conflict herewith are hereby expressly repealed.

Sec. 3. The fact that there is now no adequate law on the statutes of this State protecting persons, associations and corporations in actual possession of lands in this State, claiming same in good faith under a grant or sale from the State against applicants for permits on such lands and giving such owners or claimants in good faith prior right to purchase the same, creates an emergency and an imperative public necessity requiring the suspension of the constitutional rule requiring bills to be read on three several days, and the same is suspended and that this act be in force and take effect from and after its passage, and it is so enacted.

Committee Room,  
Austin, Texas, Jan. 22, 1929.  
Hon Barry Miller, President of the Senate.

Sir: We, your Committee on

Public Lands and Land Office, to whom was referred

S. B. No. 103, A bill to be entitled "An Act to amend Article 5420, Chapter 7, Title 86 of the Revised Civil Statutes of Texas, 1925, by providing that the venue of all suits instituted by the Attorney General for the recovery of any public lands for and on behalf of the State as against any defendant in actual possession of such land claiming the same under grant or sale from the State and claiming the land in controversy to be within the boundaries of the grant or within the field notes of the land sold and the issue of boundary is the principal issue in the case shall be in the county where the land or some part thereof is situated, repealing all laws in conflict therewith and declaring an emergency."

Have had the same under consideration and. I am instructed to report it back to the Senate with the recommendation that the original bill do not pass but that the accompanying committee substitute do pass in lieu thereof.

SMALL, Chairman.

By Small.

C. S. S. B. No. 103.

#### A BILL

#### To Be Entitled

An Act to amend Article 5420, Chapter 7, Title 86 of the Revised Civil Statutes of Texas, 1925, by providing that the venue of all suits instituted by the Attorney General for the recovery of any public lands for and on behalf of the State as against any defendant in actual possession of such land, claiming the same under a grant or sale from the state, and claiming the land in controversy to be within the boundaries of such grant or within the field notes of the land sold, and the issue of boundary or boundary and money judgment incidental thereto is the principal issue in the case, shall be in the county where the land, or some part thereof, is situated; and further providing that in all suits now pending in the District Courts of Travis County where the defendants or either of them are in actual possession of any lands, claiming the same under grant or sale from the state and claiming that the land in controversy has been or is lawfully included within



the boundaries of the grant or within the field notes of the land sold and the issue of boundary, or boundary and money judgment incidental thereto, is the principal issue in the case, that upon motion of any party defendant in the case filed in said court after the passage of this Act that the court in which such suit shall be pending shall transfer such suit to the county where the land or some part thereof is situated, repealing all laws in conflict therewith and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 5420, Chapter 7, Title 86 of the Revised Civil Statutes of the State of Texas, 1925, be and the same is hereby amended so as to hereafter read as follows:

Article 5420. When any public lands are held, occupied or claimed by any person, association or corporation adversely to the State, or to any fund, or when lands are forfeited to the State for any cause, the Attorney General shall institute suit therefor, together for rent thereon, and for any damages thereto. For the purposes of this and the preceding article, venue is fixed in Travis County, concurrently with the county of defendant's residence and the county where the land lies; provided, however, that in all cases where the defendants, or either of them, are in actual possession of said land, claiming the same under grant or sale from the State, and claiming that the land in controversy has been lawfully included within the boundaries of the grant or within the field notes of the land sold, and the issue of boundary, or boundary and money judgment incidental thereto is the principal issue in the case, that then the venue of such suit shall be in the county wherein the land or some part thereof is situated; and provided also that in all suits now pending in the District Courts of Travis County where the defendants or either of them are in actual possession of land, claiming the same under grant or sale from the state, and claiming that the land in controversy has been or is lawfully included within the boundaries of such grant or within the field notes of the land sold, and the issue of

boundary, or boundary and money judgment incidental thereto, is the principal issue in the case, that upon motion of any party defendant in such case filed at any time after this act shall take effect, the court shall thereupon transfer such suit to the county wherein the land or some part thereof is situated.

Sec. 2. That all laws in conflict with the foregoing section are hereby expressly repealed.

Sec. 3. The fact that suits for recovery of lands or damages thereto, or to remove encumbrances upon the title to land or to quiet the title to land or to prevent or stay waste on lands under the general venue statute of this State must be brought in the county in which the land or a part thereof may lie and the exception permitting suits by the State as against owners in possession thereof, claiming the same in good faith under grants or sales from the State being required to litigate the same in Travis County, depriving them of a valuable right, creates an emergency and an imperative public necessity requiring the suspension of the constitutional rule requiring bills to be read on three several days, and the same is suspended and that this act be in force and take effect from and after its passage, and it is so enacted.

## TWELFTH DAY.

Senate Chamber,  
Austin, Texas,

Wednesday, January 23, 1929.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Barry Miller.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Parr.
Berkeley.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Love.	Williamson.
McFarlane.	Wirtz.
Miller.	Witt.
Moore.	Woodward.